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8 **UNITED STATES DISTRICT COURT**  
9 **EASTERN DISTRICT OF CALIFORNIA**  
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11 DANIEL HARPER,

12 Plaintiff,

13 v.

14 TAMMY CAMPBELL, et al.,

15 Defendants.  
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Case No. 1:24-cv-1549 JLT EPG (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS, DENYING  
PLAINTIFF'S APPLICATIONS TO  
PROCEED *IN FORMA PAUPERIS*, AND  
DIRECTING PLAINTIFF TO PAY THE  
FILING FEE WITHIN 30 DAYS

(Docs. 2, 8, 10, 12)

17 Daniel Harper seeks to proceed *in forma pauperis* in this action, in which he alleges the  
18 defendants violated his civil rights while housed at Corcoran State Prison. (Docs. 1, 2.) Plaintiff  
19 requests to proceed *in forma pauperis* in this action. The magistrate judge identified four actions  
20 that qualified as strikes under 28 U.S.C. § 1915(g). (Doc. 8 at 2.) In addition, the magistrate  
21 judge found Plaintiff's "allegations are insufficient to show that there is a real and imminent  
22 threat to Plaintiff's personal safety," because Plaintiff alleges only that "he was not sent the  
23 appeal responses in time, violating California Code of Regulations." (*Id.* at 3.) Therefore, the  
24 magistrate judge found the imminent danger exception to Section 1915 does not apply and  
25 recommended the motion to proceed *in forma pauperis* be denied. (*Id.* at 4.)

26 The Court served the Findings and Recommendations on Plaintiff and notified him that  
27 any objections were due within 30 days. (Doc. 8 at 4.) The Court advised Plaintiff the "failure to  
28 file any objections within the specified time may result in the waiver of certain rights on appeal."

1 (*Id.* at 4–5, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014).) Although  
2 Plaintiff did not file objections, he filed a “motion to show facts of imminent danger” (Doc. 10), a  
3 notice of appeal to the Ninth Circuit (Doc. 11), and a second motion to proceed *in forma pauperis*  
4 (Doc. 12). The Ninth Circuit dismissed Plaintiff’s appeal for lack of jurisdiction on February 28,  
5 2025 (Doc. 16) and its formal mandate on March 24, 2025 (Doc. 17).

6 The Court construes Plaintiff’s motion to show imminent danger (Doc. 10) as objections  
7 to Findings and Recommendations. However, Plaintiff does not address the specific findings of  
8 the magistrate judge. (*See generally id.*) Rather, Plaintiff states that “every inmate in CSP  
9 Corcoran is at [imminent] danger not only from the inmates but by the staff.” (Doc. 10 at 1.) He  
10 contends the “filed the case against the Defendants for not wanting to get their staff to take their  
11 jobs more serious[ly].” (*Id.*) Plaintiff does not dispute the determination that the allegations in his  
12 complaint do not show imminent danger. He also does not dispute the magistrate judge’s finding  
13 that the actions identified qualify as strikes under Section 1915(g).

14 According to 28 U.S.C. § 636(b)(1), this Court performed a *de novo* review of this case.  
15 Having carefully reviewed the entire matter, the Court concludes the Findings and  
16 Recommendations are supported by the record and proper analysis. For the same reasons, the  
17 Court also denies Plaintiff’s second motion to proceed *in forma pauperis* filed January 27, 2025.  
18 Thus, the Court **ORDERS**:

- 19 1. The Findings and Recommendations filed on January 10, 2025 (Doc. 8) are  
20 **ADOPTED** in full.
- 21 2. Plaintiff’s motions to proceed *in forma pauperis* (Docs. 2, 12) are **DENIED**.
- 22 3. Plaintiff’s motion to show imminent danger (Doc. 10) is **DENIED**.
- 23 4. Within 30 days from the date of service of this order, Plaintiff **SHALL** pay in full  
24 the \$405.00 to proceed with his action.

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**Plaintiff is advised that failure to pay the required filing fee as ordered will result in the dismissal of this action without prejudice.**

IT IS SO ORDERED.

Dated: **March 24, 2025**

  
UNITED STATES DISTRICT JUDGE